



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

ORDER

Book.

APPLICATION 842

PERMIT 1492

LICENSE 493

ORDER ALLOWING CORRECTION OF DESCRIPTION OF POINT OF DIVERSION
AND CHANGE IN PLACE OF USE

WHEREAS a petition was received July 3, 1930, to correct the description of the point of diversion and change the place of use under Application 842, Permit 1492, License 493, and

WHEREAS it has been established to the satisfaction of the Division of Water Resources that said correction and change will not operate to the injury of any other appropriator or legal user of water and the Division of Water Resources so finds.

NOW THEREFORE it is hereby ordered that said description of the point of diversion be and the same is hereby changed

FROM A point of diversion located North 495 feet and West 90 feet from the Southeast corner of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6, T. 42 N., R. 16 E., M.D.B. & M., being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 6.,

TO A point of diversion located North 500 feet and West 1700 feet from the Southeast corner of Section 6, T. 42 N., R. 16 E., M.D.B. & M., being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 6.,

and that said description of the place of use be and the same is hereby changed

FROM 42 acres within Lots 3 and 4 of Section 5, T. 42 N., R. 16 E., M.D.B. & M.

TO 50 acres located as follows:

40 acres within Lot 4, Section 5, T. 42 N., R. 16 E., M.D.B. & M.
10 " " Lot 3, " 5, " " "

WITNESS my hand and the seal of the Department of Public Works of the State of California this 23rd day of April, 1931.

EDWARD HYATT, State Engineer

By Harold Combs
Deputy.





STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water Notice of Assignment (Over)

LICENSE No. 493 PERMIT No. 1492 APPLICATION No. 842

ASSIGNMENT MADE 3/18/37

This is to Certify, That ~~Robert O. Fink, of Cedarville, California~~

has made proof to the satisfaction of the Division of Water Rights of California of a right to the use of the waters of Cedar Creek in Medoc County

tributary of Middle Lake

for the purpose of irrigation

under Permit No. 1492 of the Division of Water Rights and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Rights and the terms of the said permit; that the priority of the right herein confirmed dates from November 21, 1917;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed fifty-two hundredths (0.52) cubic feet per second from about March 1st to about June 1st of each season. Diversions under this license, together with those under existing rights of licensees herein which are to be directly applied to irrigation use without storage, shall not exceed the rate of one cubic foot per second continuous flow to each eighty acres of irrigated land; provided however, that in case of rotation the equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located North four hundred ninety-five (495) feet and West ninety (90) feet from the Southeast corner of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6, T 42 N, R 16 E, M.D.M. being within the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 6.

A description of the lands or the place where such water is put to beneficial use is as follows:

32 acres in Lot 4 and
10 acres in Lot 5, Section 6, T 42 N, R 16 E, M.D.M.
42 acres

This license is issued expressly subject to the judgment and Decree entered the 15th day of February 1925 in the Superior Court for the County of Medoc.

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The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

Amended by order of 4-12-37

Amended by order of 4-12-37

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes 1913, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in or that the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereof of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and provided, further, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness the signature of the Chief of the Division of WATER RIGHTS, Department of Public Works of the State of California, and the seal of said department this 22nd day of March, 1928

[Signature]
Chief of Division of Water Rights, Department of Public Works of the State of California



1/19/47 RECEIVED NOTICE OF ASSIGNMENT TO Kenneth D. & Ruth A. Horton

9/1/51 RECEIVED NOTICE OF ASSIGNMENT TO Stanley W. Larson

3/9/55 RECEIVED NOTICE OF ASSIGNMENT TO Fritz Truesel

11/15/57 RECEIVED NOTICE OF ASSIGNMENT TO H. C. & Elizabeth Van Ness

10/12/64 RECEIVED NOTICE OF ASSIGNMENT TO Glenn Allen & Helen M. Allen

11-5-70 RECEIVED NOTICE OF ASSIGNMENT TO George Clark
6-28-83 Ownership Chg to Daniel R. & Janet Hill

LICENSE NO. _____
STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

LICENSE
TO APPROPRIATE WATER

ISSUED TO

DATED

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 842

PERMIT 1492

LICENSE 493

ORDER ALLOWING CHANGE IN PLACE OF USE

WHEREAS:

1. License 493 was issued to Robert O. Fink and was filed with the County Recorder of Modoc County on April 5, 1926.
2. An order allowing change in point of diversion and place of use was granted on May 6, 1931 and has been filed with the County Recorder of Modoc County on May 13, 1931.
3. License 493 was subsequently assigned to Daniel R. Hill and Janet Hill.
4. A petition for change in place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
5. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

The place of use under this license shall be as follows:

19 acres within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 5, T42N, R16E, MDB&M
8 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 5, T42N, R16E, MDB&M

27 acres total

Dated: **NOVEMBER 18 1985**

Lloyd Johnson
Lloyd Johnson, Interim Chief
Division of Water Rights